

SUMMONS

SC-85-1

Clyde Castleberry Co., Covington, GA 30015

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

2015CV269240

TRACY KRISTALAKIS,

CIVIL ACTION  
NUMBER \_\_\_\_\_

PLAINTIFF

VS.

GEORGIA DEPARTMENT  
OF CORRECTIONS,

DEFENDANT

SUMMONS

TO THE ABOVE NAMED DEFENDANT: Georgia Department of Corrections

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

Jerry A. Lumley  
Lumley + Harper, LLC  
6036 Lakeside Commons Drive  
Macon, GA 31210

an answer to the complaint which is herewith served upon you; within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This \_\_\_\_\_ day of 12/16/2015, 20\_\_\_\_.

Clerk of Superior/State Court

BY \_\_\_\_\_

B. Browne

Deputy Clerk

INSTRUCTIONS: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.

Fulton County Superior Court  
\*\*\*EFILED\*\*\*BB  
Date: 12/16/2015 1:47:01 PM  
Cathelene Robinson, Clerk

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

TRACY KRISTALAKIS,

Plaintiff,

2015CV269240

v.

Civil Action No. \_\_\_\_\_

GEORGIA DEPARTMENT OF  
CORRECTIONS,

Defendant.

COMPLAINT FOR DAMAGES

COMES NOW Tracy Kristalakis, Plaintiff ("Mrs. Kristalakis"), and shows the Court the following for her Complaint for Damages against the Georgia Department of Corrections (the "Department"), Defendant:

Parties

1.

Mrs. Kristalakis is a resident of Bibb County, Georgia.

2.

The Executive Office of the Department's Board and its Commissioner is in Atlanta, Fulton County, Georgia and, as a result, the Department is deemed to reside in Fulton County, Georgia.

3.

The Department is responsible for administering Georgia's correctional institutions and the rehabilitative programs conducted therein.

**Jurisdiction and Venue**

4.

Mrs. Kristalakis seeks relief in this action under Title VII of the Civil Rights Act of 1964, as amended ("Title VII"). This Honorable Court has jurisdiction over the subject matter of this action.

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5.

This Honorable Court has jurisdiction over the person of the Department.

6.

Venue in this action is proper.

7.

In accordance with Title VII, Mrs. Kristalakis filed a charge with the U.S. Equal Employment Opportunity Commission ("EEOC") within 180 days after the unlawful employment practice that is the subject of this action occurred.

8.

On September 24, 2015, the EEOC mailed Mrs. Kristalakis notice of her right to sue the Department.

9.

In accordance with Title VII, this action is being filed within 90 days of Mrs. Kristalakis' receipt of the notice of right-to-sue from the EEOC.

10.

All conditions precedent to the institution of this suit have been fulfilled.

Facts

11.

On June 22, 2012, Mrs. Kristalakis applied for a position with the Department by completing and submitting an employment application.

12.

Mrs. Kristalakis was one of six (6) applicants who applied for the position of Mental Health Counselor at the Department's Central State Prison facility in Bibb County, Georgia.

13.

Mrs. Kristalakis was the most qualified for the position of the six (6) applicants.

14.

Of the six (6) applicants, Mrs. Kristalakis was the only white applicant. The other applicants were black.

15.

On July 10, 2012, Mrs. Kristalakis was interviewed for the position.

16.

Mrs. Kristalakis scored the highest of the six (6) applicants based on her first interview on July 10, 2012.

17.

Mrs. Kristalakis was one of three (3) applicants who were selected for a second interview.

18.

Both of the other two (2) applicants who were selected for a second interview were black.

19.

The second interview consisted of a panel which included the Mental Health Director, The Deputy Warden, and the Warden for the Department's Central State Prison facility.

20.

The Mental Health Director, The Deputy Warden, and the Warden for the Department's Central State Prison facility are all black.

21.

Mrs. Kristalakis was notified on July 16, 2012 that she was not hired for the position. A black individual was hired for the position.

22.

Mrs. Kristalakis was not hired for the position because of her race.

23.

The Department intentionally and unlawfully discriminated against Mrs. Kristalakis because of her race by not hiring her.

24.

The Department has articulated reasons for its decision to not hire Mrs. Kristalakis.

25.

The reasons articulated by the Department are false and are merely a pretext for behavior actually motivated by intentional, unlawful, racial discrimination.

26.

Mrs. Kristalakis lost income, retirement benefits, insurance and other economic benefits of employment because of the Department's unlawful, racial discrimination.

27.

Mrs. Kristalakis will lose income, retirement benefits, insurance and other economic benefits of employment in the future because of the Department's intentional, unlawful, racial discrimination.

28.

Mrs. Kristalakis has suffered emotional pain, suffering, inconvenience, mental anguish and loss of enjoyment of life because of the Department's intentional, unlawful, racial discrimination.

29.

Mrs. Kristalakis will suffer emotional pain, suffering, inconvenience, mental anguish and loss of enjoyment of life in the future because of the Department's intentionally, unlawful, racial discrimination.

30.

Mrs. Kristalakis has incurred attorney's fees in order to enforce her rights under Title VII.

Claims

31.

The Department engaged in unlawful employment practices with respect to its decision not hire Mrs. Kristalakis in violation of Title VII.

32.

The Department intentionally discriminated against Mrs. Kristalakis on the basis of her race with respect to hiring in violation of Title VII.

33.

Mrs. Kristalakis has been damaged by the Department's intentional, unlawful, racial discrimination against her.

34.

The Department is liable to Mrs. Kristalakis for back pay, front pay, compensatory damages, and pre-judgment interest because of the Department's intentional, unlawful, racial discrimination against her.

35.

Mrs. Kristalakis is entitled to recover a reasonable attorney's fee as part of the costs.

**Prayer for Relief**

WHEREFORE, Ms. Kristalakis respectfully requests the following relief:

- (a) The issuance of process as to the Department;
- (b) A trial by jury as to all issues so triable;
- (c) The entry of Judgment in favor of Mrs. Kristalakis and against the Department that includes:
  - (i) back pay in an amount equal to all income, retirement benefits, insurance and other economic benefits of employment Mrs. Kristalakis has lost, plus pre-judgment interest, resulting from the Department's unlawful racial discrimination against Mrs. Kristalakis;
  - (ii) front pay in an amount equal to all income, retirement benefits, insurance and other economic benefits of employment Mrs. Kristalakis will lose in the future resulting from the unlawful discriminatory acts of the Department;

(iii) compensatory damages in an amount that will fully compensate Mrs.

Kristalakis for the emotional pain, suffering, inconvenience, mental anguish and loss of enjoyment of life Mrs. Kristalakis has experienced as result of the unlawful discriminatory acts of the Department, plus pre-judgment interest;

(iv) compensatory damages in an amount that will fully compensate Mrs.

Kristalakis for the emotional pain, suffering, inconvenience, mental anguish and loss of enjoyment of life she will experience in the future as a result of the unlawful discriminatory acts of the Department;

(v) costs of action, including a reasonable attorney's fee; and

(d) Such other relief that this Honorable Court deems just, fair, and proper.

Date: December 16, 2015.



Jerry A. Lumley  
Georgia Bar No. 460866  
Lumley & Harper, LLC  
Post Office Box 27717  
Macon, GA 31221  
Telephone: (478) 471-1776  
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Email: JLumley@lumleyandharper.com

**Attorney for Plaintiff**



SHERIFF'S ENTRY OF SERVICE

SC-85-2

CLYDE CASTLEBERRY CO., COVINGTON, GA 30015

Civil Action No. 2015 CV 769740Superior Court ☒State Court ☐Juvenile Court ☐Magistrate Court ☐Probate Court ☐Date Filed 12-16-2015Georgia, FultonCOUNTY Fulton

Attorney's Address

Jeremy A. Lumley  
Lumley + Harper, LLC  
6030 Lakeside Commons Drive  
Atlanta, GA 31210

Name and Address of Party to be Served.

Georgia Department of Corrections  
c/o Commissioner Homer Bryson  
300 Patrol Road  
Forsyth, GA 31029

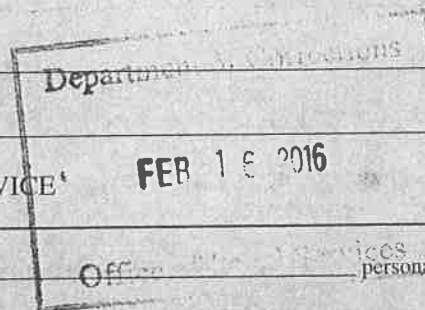
Tracy Kristalakis

Plaintiff

VS.

Georgia Department of  
Corrections

Defendant



Garnishee

SHERIFF'S ENTRY OF SERVICE

FEB 16 2016

PERSONAL

I have this day served the defendant

☐ of the within action and summons.

NOTORIOUS

I have this day served the defendant

by leaving a

copy of the action and summons at his most notorious place of abode in this County.

☐ Delivered same into hands of \_\_\_\_\_ described as follows:  
 age, about \_\_\_\_\_ years; weight \_\_\_\_\_ pounds; height, about \_\_\_\_\_ feet and \_\_\_\_\_ inches, domiciled at the residence of  
 defendant.

CORPORATION

Served the defendant GA Dept of Corrections c/o Commissioner Bryson (Bryson Avenue) a corporation

☒ by leaving a copy of the within action and summons with James O'Brien  
 in charge of the office and place of doing business of said Corporation in this County.

TACK &amp; MAIL

☐ I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

NON EST

Diligent search made and defendant \_\_\_\_\_  
☐ not to be found in the jurisdiction of this Court.

This 16 day of Feb, 20 16.

Edgar O. Johnson #619  
 DEPUTY